

REMARKS

Claims 28-31 and 33-40 currently stand rejected under 35 U.S.C. § 112, first and second paragraphs. Claims 27 and 32 are allowed. Claims 28-31, 33-37, and 39-40 have been amended in order to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

35 U.S.C. § 112, second paragraph, rejections

The Examiner has rejected claims 29 and 33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the examiner points to the terms “a platinum” in claim 29 and the use of the terms “suitable solvent” and “metal borides” in claim 33.

“a platinum”

Claim 29 has been amended to remove the article “a” from the claim language in front of “platinum.”

“suitable solvent” and “metal borides”

Claim 33 has been amended to remove the terms “suitable” and “metal borides” from the claim language.

Applicant, accordingly, respectfully submits that amended claims 29 and 33 comply with the formalities of 35 U.S.C. § 112, second paragraph, and requests withdrawal of the rejections of claims 29 and 33.

35 U.S.C. § 112, first paragraph, rejections

The Examiner has rejected claims 28-31 and 34-40 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states there is no “description support” in the original specification for such terms as “less than about 50 wt% of a hydrogen storage alloy,” less than about 100 wt% of alkali compounds,” “less than about 10 wt% carbon black,” “less than about 50 atmospheres,” etc.

Applicant has amended claims 28-31, 34-37, and 39-40 in order to remove the specific ranges associated with the phrase “less than about ...” as previously related to a hydrogen storage alloy, alkali compounds, carbon black, atmospheres, etc.

Applicant, accordingly, respectfully submits that amended claims 28-31, 34-37, and 39-40 comply with the formalities of 35 U.S.C. § 112, first paragraph, and requests withdrawal of the rejections of claims 28-31 and 34-40.

Allowed Claims

The Examiner has allowed claims 27 and 32. Claims 27 and 32 have not been amended and remain their allowed condition.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call James C. Scheller, Jr. at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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